

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA, the	)	
STATE OF TEXAS, <i>ex rel.</i> HICHEM	)	
CHIH,)	)	
	)	Civil Action No. 4:18-cv-00123
Plaintiff-Relator,	)	
	)	
v.	)	Honorable Charles Eskridge
	)	
CATHOLIC HEALTH INITIATIVES, et al.	)	
	)	
Defendants.	)	

**RELATOR’S UNOPPOSED MOTION FOR LEAVE TO FILE  
RESPONSE TO MOTION TO STRIKE  
UNDER SEAL ON A TEMPORARY BASIS**

Plaintiff-Relator Hichem Chihi, by and through his attorneys, hereby respectfully moves this Court for leave to file under seal, on a temporary basis, portions of his response brief in opposition to the Corrected Motion to Strike of Defendants Catholic Health Initiatives and CHI-St. Luke’s Health (the “Hospital Defendants”), stating:

1. On Relator’s motion to seal, this Court ordered that Relator’s Original Complaint (Doc. 1) and Paragraphs 114 through 120 of the First Amended Complaint (Doc. 5) be temporarily placed under seal pending resolution of a privilege dispute between Relator and the Hospital Defendants. Dkts. 7, 98.

2. Relator followed the same procedure in filing his second amended complaint, again moving to file the contested paragraphs temporarily under seal pending

resolution of the parties' privilege dispute. *See* Dkt. 193 (Relator's motion to seal); Dkt. 207 (Order granting motion to seal).

3. The contested paragraphs were filed under seal again in the Hospital Defendants' Corrected Motion to Strike on December 23, 2019. Dkt. 260 (Order granting motion to seal).

4. Relator's response brief in opposition to the Hospital Defendants' corrected motion to strike (Dkt. 258-1) necessarily repeats the substance of the contested paragraphs. Thus, to continue to facilitate the orderly presentation of the parties' privilege dispute, Relator moves this Court for leave to file references to the contested paragraphs in Relator's response brief under seal, temporarily, pending this Court's ruling on Defendants' motion to strike.

5. Attached hereto as Exhibit A is a redacted public version of Relator's Response to the Hospital Defendants' Motion to Strike. Prior to filing this motion, Plaintiff provided counsel for the Hospital Defendants with Exhibit A, and the Hospital Defendants indicated that they had no objection to Relator's redacted public version.

6. Paragraphs 6.B.2 and 6.E of the Administrative Procedures for Electronic Filing in Civil and Criminal Cases permit the filing of documents under seal, subject to sealing or unsealing by the Court.

7. Good cause exists for the temporary sealing of the contested paragraphs to facilitate the orderly resolution of the matter.

8. A proposed order is attached hereto as Exhibit B.

WHEREFORE, Relator respectfully move this Court for leave to file his Response to the Hospital Defendants' Corrected Motion to Strike temporarily under seal, pending resolution of Defendants' privilege claims, which Relator disputes.

Respectfully Submitted,

/s/ Ruth Brown

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**CERTIFICATE OF SERVICE**

I, Ruth Brown, an attorney, hereby certify that on January 13, 2020, I filed the foregoing motion via the Court's CM/ECF system, thereby effecting service upon all counsel of record, and mailed a copy by U.S. mail to all unrepresented defendants.

/s/ Ruth Brown